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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,391	06/23/2003	Roger J. Leyden	00831-0063US	8054
32116	7590	03/21/2005	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			LEE, GUIYOUNG	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/601,391

Applicant(s)

LEYDEN ET AL.

Examiner

Guiyoung Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-12, 14, 16, 17, 20, 22, 23, 25, 26, 28, 29 and 31 is/are rejected.
- 7) ☒ Claim(s) 4-6, 13, 15, 18, 19, 21, 24, 27, 30, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 7-12, 14, 16-17, 20, 22-23, 25-26, 28-29 and 31 are rejected under 35

U.S.C. 102(e) as being anticipated by Chance (US 6,676,272 B2).

3. Re claims 1-3, 20, 22, 29 and 31: Chance disclose the claimed message system comprising a wall (10 in Fig. 1) having opposite first and second sides (35, 36) and comprising at least one of (a) a mirrored surface ( 10A and col. 3, lines 14-17) which is capable of producing a discernible, reflective image of an object placed at the first side of the wall, and (b) a blocking surface ( 10B and col. 3, lines 17-21 which substantially obstructs viewing of an object at the second side of the wall through the wall from the first side of the wall; and a message generator (18), the message generator capable of making a message viewable from the first side of the wall through at least a part of the wall (col. 4, lines 12-15); the message generator having first (col. 4, lines 13-15) and second states (col. 4, lines 16-17), the message generator in the first state causing a first message to be viewable at the wall from the first side of the wall, the first message being unviewable from the first side of the wall with the message generator in the second state. Re claims 7-8: Chance discloses the message is words which is an inanimated object (col. 4, line 14).

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Re claims 9-10: Chance discloses the message generator comprises LED emitting a light beam (col. 3, line 32).

Re claims 11 and 23: Chance discloses the message comprises information regarding service providing a direction to an observer of the message at the first side of the wall (col. 4, lines 16-17).

Re claims 12 and 25: Chance discloses a sensor to detect the presence of an individual (20 in Fig. 1).

Re claims 14 and 26: Chance discloses a transmitter/generator (50 in Fig. 1).

Re claims 16-17 and 28: Chance discloses the wall has a thickness and at least a part of the signal generator resides within the thickness of the wall at the second side of the wall (see 32 in Fig. 1).

#### *Allowable Subject Matter*

4. Claims 4-6, 13, 15, 18-19, 21, 24, 27, 30 and 32-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 4 and 32, Chance does not disclose that with the message generator in the second state a message that repeatedly flashes is viewable from the first side of the wall and flashes at a second rate that is different than the first rate. Further, with regard to claims 5 and 33, Chance does not disclose that the message generator has first and second states, with the message

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generator in the first state a message that is viewable from the first side of the wall is generated for a first predetermined time interval, and with the message generator in the second state a message that is viewable from the first side of the wall is generated for a second predetermined time interval that is different than the first predetermined time interval. Further, with regard to claims 6 and 30, Chance does not teach that the second message generated by the message generator is in a second language. Further, with regard to claims 13 and 24, Chance does not disclose the mirrored surface has a convex shape at the first side of the wall. Furthermore, with regard to claims 15, 18 and 27, Chance does not disclose a wheeled vehicle carrying the transmitter/generator or Chance teaches away from locating a surveillance camera on the second side of the wall. With regard to 19 and 21, Chance does not teach that an object on the first side of the wall can be viewed through the wall from the second side of the wall.

### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



Sandra O'Shea  
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